

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

CITY OF CHARLOTTESVILLE; CHAMPION
BREWING CO., LLC; ESCAFÉ; MAS TAPAS;
MAYA RESTAURANT; QUALITY PIE;
RAPTURE RESTAURANT AND NIGHT
CLUB; ALAKAZAM TOYS AND GIFTS;
ALIGHT FUND LLC; ANGELO JEWELRY;
HAYS + EWING DESIGN STUDIO, PC;
WOLF ACKERMAN DESIGN, LLC;
WILLIAMS PENTAGRAM CORPORATION;
BELMONT-CARLTON NEIGHBORHOOD
ASSOCIATION; LITTLE HIGH
NEIGHBORHOOD ASSOCIATION; and
WOOLEN MILLS NEIGHBORHOOD
ASSOCIATION,

Plaintiffs,

v.

PENNSYLVANIA LIGHT FOOT MILITIA,
NEW YORK LIGHT FOOT MILITIA,
VIRGINIA MINUTEMEN MILITIA,
AMERICAN FREEDOM KEEPERS, LLC,
AMERICAN WARRIOR REVOLUTION,
REDNECK REVOLT, SOCIALIST RIFLE
ASSOCIATION, TRADITIONALIST
WORKER PARTY, VANGUARD
AMERICA, LEAGUE OF THE SOUTH, INC.,
NATIONAL SOCIALIST MOVEMENT,
JASON KESSLER, ELLIOTT KLINE,
CHRISTIAN YINGLING, GEORGE
CURBELO, FRANCIS MARION, ACE
BAKER, MATTHEW HEIMBACH,
CESAR HESS, SPENCER BORUM,
MICHAEL TUBBS, and JEFF SCHOEP,

Defendants.

Case No. 3:17-CV-00078
Judge Glen E. Conrad

**DECLARATION IN SUPPORT OF PLAINTIFFS' MOTION TO REMAND TO STATE
COURT AND FOR ATTORNEYS' FEES**

KYLE MCNEW, declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of MICHIEHAMLETT, PLLC, 500 Court Square, Suite 300, Charlottesville, VA 22902, and counsel for Plaintiffs in the above-captioned case (the “Lawsuit”).

2. Plaintiffs served Defendant Jason Kessler with a copy of the complaint in the Lawsuit on October 14. A true and correct copy of the affidavit of service on Defendant Kessler is attached hereto as Exhibit 1.

3. Between the filing of the Lawsuit and Kessler’s filing of the Notice of Removal on October 27, 2017, I was not contacted by counsel for Defendant Kessler on any matter, including whether other Defendants had been served with the Lawsuit.

4. I have consulted with all other counsel for Plaintiffs, who confirm that they also were not contacted by counsel for Defendant Kessler prior to his filing of his Notice of Removal. The only communication from counsel for Kessler was either coincident with or subsequent to the filing of the Notice of Removal, and was merely in the nature of copying Plaintiffs’ counsel on various pleadings and correspondence.

5. Prior to Defendant Kessler’s filing of the Notice of Removal on October 27, 2017, twelve other named Defendants in the Lawsuit had been served. True and correct copies of the affidavits of service for each of the served defendants are attached as exhibits to this Declaration.

6. Attached as Exhibit 2 is a true and correct copy of the affidavit of service on Defendant Vanguard America, which states that Defendant Vanguard America was served with process on October 19, 2017.

7. Attached as Exhibit 3 is a true and correct copy of the affidavit of service on Defendant Virginia Minutemen Militia, which states that Defendant Virginia Minutemen Militia was served with process on October 19, 2017.

8. Attached as Exhibit 4 is a true and correct copy of the affidavit of service on Defendant American Warrior Revolution, which states that Defendant American Warrior Revolution was served with process on October 19, 2017.

9. Attached as Exhibit 5 is a true and correct copy of the affidavit of service on Defendant Christian Yingling, which states that Defendant Yingling was served with process on October 19, 2017.

10. Attached as Exhibit 6 is a true and correct copy of the affidavit of service on Defendant George Curbelo, which states that Defendant Curbelo was served with process on October 19, 2017.

11. Attached as Exhibit 7 is a true and correct copy of the affidavit of service on Defendant New York Lightfoot Militia, which states that Defendant New York Lightfoot Militia was served with process on October 19, 2017.

12. Attached as Exhibit 8 is a true and correct copy of the affidavit of service on Defendant Pennsylvania Lightfoot Militia, which states that Defendant Pennsylvania Lightfoot Militia was served with process on October 19, 2017.

13. Attached as Exhibit 9 is a true and correct copy of the affidavit of service on Defendant Michael Tubbs, which states that Defendant Tubbs was served with process on October 19, 2017.

14. Attached as Exhibit 10 is a true and correct copy of the affidavit of service on Defendant National Socialist Movement, which states that Defendant National Socialist Movement was served with process on October 20, 2017.

15. Attached as Exhibit 11 is a true and correct copy of the affidavit of service on Defendant Jeff Schoep, which states that Defendant Schoep was served with process on October 20, 2017.

16. Attached as Exhibit 12 is a true and correct copy of the affidavit of service on Defendant Ace Baker, which states that Defendant Baker was served with process on October 23, 2017.

17. Attached as Exhibit 13 is a true and correct copy of the affidavit of service on Defendant Spencer Borum, which states that Defendant Borum was served with process on October 23, 2017.

18. After Defendant Kessler's filing of Notice of Removal, one further Defendant has been served process. Attached as Exhibit 14 is a true and correct copy of the affidavit of service on Defendant Elliott Kline, which states that Defendant Kline was served with process on October 27, 2017.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated November 3, 2017

Respectfully Submitted,

/s/
Kyle McNew, Esq. (VSB #73210)
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